

115TH CONGRESS  
1ST SESSION

# S. 134

To expand the prohibition on misleading or inaccurate caller identification information, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 12, 2017

Mr. NELSON (for himself, Mrs. FISCHER, Ms. KLOBUCHAR, and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To expand the prohibition on misleading or inaccurate caller identification information, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Spoofing Prevention  
5       Act of 2017”.

6       **SEC. 2. DEFINITION.**

7       In this Act, the term “Commission” means the Fed-  
8       eral Communications Commission.

1     **SEC. 3. SPOOFING PREVENTION.**

2         (a) EXPANDING AND CLARIFYING PROHIBITION ON  
3     MISLEADING OR INACCURATE CALLER IDENTIFICATION  
4     INFORMATION.—

5             (1) COMMUNICATIONS FROM OUTSIDE THE  
6     UNITED STATES.—Section 227(e)(1) of the Commu-  
7     niques Act of 1934 (47 U.S.C. 227(e)(1)) is  
8     amended by striking “in connection with any tele-  
9     communications service or IP-enabled voice service”  
10    and inserting “or any person outside the United  
11    States if the recipient of the call is within the  
12    United States, in connection with any voice service  
13    or text messaging service”.

14             (2) COVERAGE OF TEXT MESSAGES AND VOICE  
15     SERVICES.—Section 227(e)(8) of the Communica-  
16     tions Act of 1934 (47 U.S.C. 227(e)(8)) is amend-  
17     ed—

18                 (A) in subparagraph (A), by striking “tele-  
19     communications service or IP-enabled voice  
20     service” and inserting “voice service or a text  
21     message sent using a text messaging service”;

22                 (B) in the first sentence of subparagraph  
23     (B), by striking “telecommunications service or  
24     IP-enabled voice service” and inserting “voice  
25     service or a text message sent using a text mes-  
26     saging service”; and

(C) by striking subparagraph (C) and inserting the following:

3                       “(C) TEXT MESSAGE.—The term ‘text  
4                       message’—

5                         “(i) means a message consisting of  
6                         text, images, sounds, or other information  
7                         that is transmitted from or received by a  
8                         device that is identified as the transmitting  
9                         or receiving device by means of a 10-digit  
10                         telephone number;

“(ii) includes a short message service (commonly referred to as ‘SMS’) message, an enhanced message service (commonly referred to as ‘EMS’) message, and a multimedia message service (commonly referred to as ‘MMS’) message; and

19                   “(D) TEXT MESSAGING SERVICE.—The  
20                   term ‘text messaging service’ means a service  
21                   that permits the transmission or receipt of a  
22                   text message, including a service provided as  
23                   part of or in connection with a voice service.

24                           “(E) VOICE SERVICE.—The term ‘voice  
25                           service’—

1                     “(i) means any service that furnishes  
2                     voice communications to an end user using  
3                     resources from the North American Num-  
4                     bering Plan or any successor to the North  
5                     American Numbering Plan adopted by the  
6                     Commission under section 251(e)(1); and

7                     “(ii) includes transmissions from a  
8                     telephone facsimile machine, computer, or  
9                     other device to a telephone facsimile ma-  
10                     chine.”.

11                     (3) TECHNICAL AMENDMENT.—Section 227(e)  
12                     of the Communications Act of 1934 (47 U.S.C.  
13                     227(e)) is amended in the heading by inserting  
14                     “MISLEADING OR” before “INACCURATE”.

15                     (4) REGULATIONS.—

16                     (A) IN GENERAL.—Section 227(e)(3)(A) of  
17                     the Communications Act of 1934 (47 U.S.C.  
18                     227(e)(3)(A)) is amended by striking “Not  
19                     later than 6 months after the date of enactment  
20                     of the Truth in Caller ID Act of 2009, the  
21                     Commission” and inserting “The Commission”.

22                     (B) DEADLINE.—The Commission shall  
23                     prescribe regulations to implement the amend-  
24                     ments made by this subsection not later than

1           18 months after the date of enactment of this  
2           Act.

3           (5) EFFECTIVE DATE.—The amendments made  
4           by this subsection shall take effect on the date that  
5           is 6 months after the date on which the Commission  
6           prescribes regulations under paragraph (4).

7           (b) CONSUMER EDUCATION MATERIALS ON HOW TO  
8           AVOID SCAMS THAT RELY UPON MISLEADING OR INAC-  
9           CURATE CALLER IDENTIFICATION INFORMATION.—

10          (1) DEVELOPMENT OF MATERIALS.—Not later  
11          than 1 year after the date of enactment of this Act,  
12          the Commission, in collaboration with the Federal  
13          Trade Commission, shall develop consumer edu-  
14          cation materials that provide information about—

15           (A) ways for consumers to identify scams  
16           and other fraudulent activity that rely upon the  
17           use of misleading or inaccurate caller identifica-  
18           tion information; and

19           (B) existing technologies, if any, that a  
20           consumer can use to protect against such scams  
21           and other fraudulent activity.

22          (2) CONTENTS.—In developing the consumer  
23          education materials under paragraph (1), the Com-  
24          mission shall—

(i) descriptions of how a consumer can use the technologies to protect against such scams and other fraudulent activity.

10 and  
11 (ii) details on how consumers can ac-  
12 cess and use the technologies; and

21                         (4) WEBSITE.—The Commission shall include  
22                         the consumer education materials developed under  
23                         paragraph (1) on its website.

1       (c) GAO REPORT ON COMBATING THE FRAUDULENT  
2 PROVISION OF MISLEADING OR INACCURATE CALLER  
3 IDENTIFICATION INFORMATION.—

4                 (1) IN GENERAL.—The Comptroller General of  
5 the United States shall conduct a study of the ac-  
6 tions the Commission and the Federal Trade Com-  
7 mission have taken to combat the fraudulent provi-  
8 sion of misleading or inaccurate caller identification  
9 information, and the additional measures that could  
10 be taken to combat such activity.

11                 (2) REQUIRED CONSIDERATIONS.—In con-  
12 ducting the study under paragraph (1), the Comptrol-  
13 ller General shall examine—

14                         (A) trends in the types of scams that rely  
15 on misleading or inaccurate caller identification  
16 information;

17                         (B) previous and current enforcement ac-  
18 tions by the Commission and the Federal Trade  
19 Commission to combat the practices prohibited  
20 by section 227(e)(1) of the Communications Act  
21 of 1934 (47 U.S.C. 227(e)(1));

22                         (C) current efforts by industry groups and  
23 other entities to develop technical standards to  
24 deter or prevent the fraudulent provision of  
25 misleading or inaccurate caller identification in-

1 formation, and how such standards may help  
2 combat the current and future provision of mis-  
3 leading or inaccurate caller identification infor-  
4 mation; and

5 (D) whether there are additional actions  
6 the Commission, the Federal Trade Commis-  
7 sion, and Congress should take to combat the  
8 fraudulent provision of misleading or inaccurate  
9 caller identification information.

10 (3) REPORT.—Not later than 18 months after  
11 the date of enactment of this Act, the Comptroller  
12 General shall submit to the Committee on Com-  
13 merce, Science, and Transportation of the Senate  
14 and the Committee on Energy and Commerce of the  
15 House of Representatives a report on the findings of  
16 the study conducted under paragraph (1), including  
17 any recommendations regarding combating the  
18 fraudulent provision of misleading or inaccurate call-  
19 er identification information.

20 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
21 tion, or the amendments made by this section, shall be  
22 construed to modify, limit, or otherwise affect any rule or  
23 order adopted by the Commission in connection with—

- 1                   (1) the Telephone Consumer Protection Act of  
2                   1991 (Public Law 102–243; 105 Stat. 2394) or the  
3                   amendments made by that Act; or  
4                   (2) the CAN–SPAM Act of 2003 (15 U.S.C.  
5                   7701 et seq.).

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